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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,754	07/17/2000	Klaus-Josef Bengler	951/48944	8674

7590 02/24/2006

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Intellectual Property Group  
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Washington, DC 20004

EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/617,754	<b>Applicant(s)</b> BENGLER, KLAUS-JOSEF	
	<b>Examiner</b> Tuan A. Tran	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al. (6,405,132) in view of Thomason (6,317,039).

Regarding claims 7-9, Breed discloses an arrangement for communication between a first party in a vehicle and a second external party (See fig. 5), the arrangement comprising: on-board navigation and sensory systems for providing information concerning traffic in an environment outside of the vehicle wherein the sensory system comprises an image acquisition system for providing an image of the environment outside of the vehicle (See figs. 4-6 and col. 70 lines 37-44); extracting means for extracting portions of the information which are relevant to a traffic situation in the environment outside of the vehicle (See figs. 5-6 and col. 70 lines 45-55, col. 72 line 63 to col. 73 line 36); and communication system for transmitting the extracted relevant information from the first party to the second external party (See fig. 5 and col. 70 lines 18-44, col. 74 lines 58-61). However, Breed does not mention that the communication system for simultaneously transmitting telephone conversation between the first and second party and the relevant traffic information from the first party to the

Art Unit: 2682

second external party. Thomason teaches a wireless video audio data remote system 101 that allows both telephone conversation (audio data) and visual image (video data) to be transmitted simultaneously to a external party (See figs. 2, 6 and col. 1 lines 57-64, col. 2 lines 22-24, col. 3 line 41 to col. 5 line 30, col. 7 line 64 to col. 8 line 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Thomason's teaching in modifying an arrangement as disclosed by Breed for the advantage of allowing the external party to monitor as well as to advise/control the first party dependent upon the real-time situation of the first party.

Claims 1-3 and 6 are rejected for the same reasons as set forth in claims 7-9, as method.

Regarding claims 4-5, Breed & Thomason disclose as cited in claim 1. However, they do not mention that the relevant information is updated periodically, wherein periodic update occurs in time increments of several seconds. It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the system as disclosed by Breed & Thomason to update the relevant information, wherein periodic update occurs in time increments of several seconds in order to provide the external party correct updated information so that the external party can advise/control the first party effectively and further to reduce the workload and save power for the system.

Regarding claim 10, Breed & Thomason disclose as cited in claim 1. Breed further discloses the step of preparing a depiction of an environment surrounding the vehicle includes the step of obtaining object information from a sensing system (See fig.

Art Unit: 2682

5 and col. 70 line 45 to col. 71 line 4, col. 72 lines 53-62) and obtaining map display information from a map database (See fig. 5 and col. 71 lines 17-29, col. 72 lines 53-62).

Regarding claim 11, Breed & Thomason disclose as cited in claim 7. Breed further discloses extracting means includes a means to provide map information concerning the location of the vehicle and means for combining portions of the map information with the information of the environment outside of the vehicle (See col. 74 lines 24-32).

Regarding claim 12, Breed & Thomason disclose as cited in claim 8, Breed further discloses automobile navigation system includes a sensor means for providing object information and navigation device for providing map display information (See figs. 4-5).

### ***Response to Arguments***

Applicant's arguments filed 01/19/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references (See Remark, page 6-7), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

Art Unit: 2682

1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the only difference between the Breed reference and the claimed subject matters is that Breed does not mention that the communication system for simultaneously transmitting telephone conversation between the first and second party and the relevant traffic information from the first party to the second external party. Thomason cures the deficiency of the Breed reference by suggesting a wireless mobile video audio data remote system 101 that allows both telephone conversation (audio data) and visual image (video data) to be transmitted simultaneously to an external party (See figs. 1-2, 6 and col.8 lines 6-8). Since Breed does suggest other forms of communication between vehicles are possible (See col. 70 lines 29-30), and both Breed & Thomason teach about wireless mobile systems that are capable of conveying information to the external party; therefore, it would have been obvious to one skilled in the art to modify the Breed's system in accordance with Thomason's teachings for the advantage of allowing the external party to monitor as well as to advise/control the first party dependent upon the real-time situation of the first party. The combination of Breed & Thomason would perfectly arrive to the claimed subject matters. For that reasons, the rejections are proper and stand for all the pending claims.

### ***Conclusion***

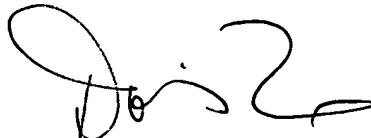
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

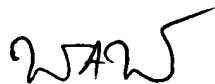
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Application/Control Number: 09/617,754

Page 7

Art Unit: 2682

A handwritten signature in black ink, appearing to be 'Tuan Tran', with a stylized, cursive script.

Tuan Tran